

The opinion in support of the decision being entered today was not written for publication in a law journal and is not binding precedent of the Board.

Paper No. 36

**MAILED**

JUL 31 2003  
PAT. & T.M. OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

Ex parte TIMOTHY L. HOOPMAN and NELSON D. SEWALL

Appeal No. 2003-1578  
Application 09/520,032

**ORDER DISMISSING APPEAL**

Before STONER, Chief Administrative Patent Judge, HARKCOM, Vice Chief Administrative Patent Judge, and WILLIAM F. SMITH, Administrative Patent Judge.

Per curiam.

On July 1, 2003, counsel for the appellants filed, among other documents, a Request for Continued Examination (RCE) under 37 CFR § 1.114. Pursuant to the notice entitled "Request for Continued Examination Practice and Changes to Provisional Application Practice," 65 Fed. Reg. 50092, 50095 (Aug. 16, 2000), and the provisions of 37 CFR § 1.114(d), a request for continued examination under 37 CFR § 1.114 filed after appeal has been taken, but prior to a decision on the appeal, "will be treated as a request to withdraw the appeal and to reopen prosecution of the application before the examiner."

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Accordingly, the appeal in this application is dismissed.

The application is being returned to the examiner for further action as may be appropriate.

  
BRUCE H. STONER, JR. Chief  
Administrative Patent Judge

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William F. Smith, Jr.  
WILLIAM F. SMITH  
Administrative Patent Judge

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Administrative Patent Judge

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